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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,116

10/28/2003

Jeffrey Gerard Bourque

10541-1875

6099

29074

7590

05/24/2005

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/695,116

Applicant(s)

BOURQUE ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

EA

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1, 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Poppema (6,478,070).

Davis (6,016,861) discloses a window assembly for a motor vehicle comprising: a pair of stationary windows 31, the stationary windows being spaced apart and having side portions defining an opening 15 therebetween, the opening adapted to provide communication between an interior passenger compartment of the vehicle and the exterior of the vehicle; a pair of spaced apart guide rails (front track mechanism, not numbered), the guide rails horizontally extending across the opening and each including portions defining a channel, the channel of one of the guide rails counter-facing the channel of the other of the guide rails; a moveable window 30

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slidingly receiving within the channels of the guide rails, the moveable window being moveable in a lateral direction to selectively cover the opening in a closed position and selectively uncover the opening in an open position; a vent screen 32 having a screen panel, the screen panel including a first end and further including a second end attached to the moveable window; and whereby displacement of the moveable window from the closed position to the open position causes the screen panel to be extended over the opening, and whereby displacement of the moveable window to a closed position likewise moves the screen panel accordingly.

With regard to claim 6, the second end of the screen panel is removeably attached to the moveable window.

With regard to claim 7, the second end of the screen panel is attached to the moveable window along an edge of the moveable window.

With regard to claim 8, the vent screen is removeably mounted to the remainder of the window assembly.

With regard to claim 9, the vent screen is removeably mounted to the guide rails.

With regard to claim 10, the vent screen is mounted to the guide rails.

Davis lacks the vent screen including a retraction device, the retraction device being connected to a first end of the screen panel and adapted to automatically spool the screen panel when the moveable window is displaced to a closed position.

Poppema (6,478,070) teaches a screen door assembly having a vent screen with a retraction device 150 connected indirectly to a first end of a screen panel and adapted to automatically spool the screen panel via a biasing spring. The retraction device is indirectly mounted to and extends vertically between guide rails of the assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a retraction device as taught by Poppema connected to a first end of the screen panel of Davis and mounted to and between the guide rails of the assembly of Davis in order to allow the screen panel to be conveniently and automatically stored when the moveable window is closed.

With regard to claim 2, the retraction device is mounted to a stationary portion or frame of the window assembly.

With regard to claim 3, the retraction device includes a biasing member (or spring) coupled to a support rod 25 (Figures 5-6), the rod being connected to the first end of the screen panel.

With regard to claim 4, the biasing member exerts a biasing force in a direction causing the screen panel to be spooled onto the rod.

With regard to claim 5, the biasing force is continuously applied.

With regard to claim 11, the retraction device includes a coil spring as a biasing member adapted to cause spooling of the screen panel.

4. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Poppema (6,478,070).

For claim 12, Davis (6,016,861) discloses in combination with a motor vehicle window assembly having a moveable window 30 slidingly received within the first and second counter-facing channels (not numbered) of spaced apart guide rails (front track mechanism) extending generally across an opening 15 defined between two side portion of spaced apart stationary

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windows 31, the moveable window being selectively moveable between a closed position covering the opening and an open position uncovering the opening, a vent screen 32 comprising: a screen panel 32 having a first end and a second end connected to the moveable window, whereby displacement of the moveable window from the closed position to the open position causes the screen panel to be extended over the opening, and whereby displacement of the moveable window from the open position to the closed position covering the opening of the window assembly causes the screen panel to be moved according.

With regard to claim 17, the second end of the screen panel is removeably attached to the moveable window.

With regard to claim 18, the second end of the screen panel is attached to the moveable window along an edge of the moveable window.

With regard to claim 19, the vent screen is adapted to be mounted to the guide rails.

Davis lacks the first end of the screen panel connected to a retraction device, the retraction device being mounted to one of the stationary windows and including a biasing member exerting a biasing force in a direction to cause the screen panel to be spooled; whereby movement of the moveable window to the closed position allows the screen panel to be spooled by the retraction device.

Poppema (6,478,070) teaches a screen door assembly having a vent screen with a retraction device indirectly connected to a first end of a screen panel and adapted to automatically spool the screen panel via a biasing spring. The retraction device 150 is indirectly mounted to and extends vertically between guide rails of the assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a retraction device as taught by Poppema connected to a first end of the screen panel of Davis and mounted to and between the guide rails of the assembly of Davis in order to allow the screen panel to be conveniently and automatically stored when the moveable window is closed.

With regard to claim 13, the retraction device is removeably mounted to a stationary portion of the window assembly.

With regard to claim 14, the biasing member is coupled to a support rod 25 (Figures 5-6), the first end of the screen panel being connected to the support rod.

With regard to claim 15, the screen panel is spooled onto the rod 25.

With regard to claim 16, the biasing force is continuously applied.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**7. Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label

"PROPOSED" or "DRAFT").



Hilary Gutman  
May 18, 2005